GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Endowments Department – Certain misconduct committed by Sri E.S.R.Sarma, former B.Ed Assistant in Sri Gandhi Andhra Jateeya Maha Vidyalayam, Agraharam, Eluru (now Retired) - Disciplinary action – Charges Proved – Action under Rule 9 of A.P.Revised Pension Rules, 1980 – Punishment of 5% cut in pension for seven years - Imposed – Review Petition filed – Considered – Punishment modified – Orders - Issued.

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REVENUE (VIGILANCE.IV) DEPARTMENT

G.O.Rt.No.1133 **Dated:06-11-2017**
Read the following :

1. Proceeidngs Rc.No.70/2006, dt.22-05-2006 of EO cum Correspondent, SGAJM, Vidyalayam, Eluru.
2. WSD from Sri E.S.R.Sarma, B.Ed Assistant, Sri Gandhi Andhra Jateeya Maha Vidyalayam, Agraharam, Eluru, dt.21-8-2006.
3. Lr.Rc.No.B5/11849/06, Adm, dt.7-08-2006 of DC, ED, Kakinada.
4. Lr.Rc.No.70/2006, dt.29-09-2009 of Fit Person presently working Sri Byragi Matham, K.Pentapadu, Pentapadu Mandal, W.G.Dist.
5. D.Dis.No.B1/11849/2009, dt.23-10-2009 of DC, ED, Kakinada.
6. Proceeidngs Rc.No.70/06, dt.13-11-09 of EO-cum-Correspondent, SGAJM, Vidyalayam, Eluru.
7. From Commissioner, School Education, AP, Lr.No.204/PS-1(B1-2)(C1-2)/10, dt.29-10-13.
8. From Commissioner, School Education, AP, Lr.No.204/PS-1(B1-2)(C1-2)/10, dt.05-06-2015.
9. Govt.Memo.No.46254/ Vig.IV(1)/2013-5, dated 28-12-2015
10. Rep.dt.17-02-2016 from Sri ESR.Sarma, Sr.School Asst.(Retd) .
11. Govt.Lr.No.46254/Vig.IV(1)/2013-6, dated 18-03-2016.
12. From Secretary, AP.Public Service Commission, Lr.No.222/DC&C/1/2016, dated 13-04-2016.
13. G.O.Rt.No.534, Revenue (Vigilance-IV) Dept., dated 05-05-2016.
14. Appeal petition dated 15-04-2017 filed by Sri ESR Sarma, B.Ed School Assistant (Retd), S.G.A.J.M. Vidyalayam, Eluru.
15. Govt.Lr.No.19021/25/2017/Vig.IV(1)-1, dated:24-08-2017
16. From Secretary, APPSC, Lr.No.694/DC&C/1/2017, dt.18-09-2017.

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O R D E R :

Whereas in the reference 1st read above, the Executive Officer cum Correspondent, Sri Gandhi Andhra Jateeya Maha Vidyalayam, Agraharam, Eluru has initiated disciplinary action against Sri E.S.R.Sarma, B.Ed Assistant for the misconduct committed and framed the following charges against him :

Charge.I:-That Sri E.S.R.Sarma during his service never attended classes at scheduled times, never completed the syllabus in the prescribed time and used to sleep in the class room and failed to value the answer sheets of the students. Sri E.S.R.Sarma spent much time on "Eamani Educational Society" and thereby neglected his legitimate duties. This had promoted serious indiscipline among the students and led to the serious down fall of strength.

Charge.II:-The SSC students of 2005-06 reported that Sri E.S.R.Sarma B.Ed., Assistant used vulgar language in the class room while handling. He commented on woman teachers in an obscene manner in the

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presence of students. He acted in an unbecoming manner when he was kept in charge of the office of Headmaster and threatened his colleagues that he would spoil their service record. This led to indiscipline and bad reputation to the institution and ultimately the school strength dropped.

Charge.III:-That Sri E.S.R.Sarma exhibited hatred against hostel students, keeping in view their social background and thereby discouraged their admission to the school, which led to the serious down fall of the school strength.

Charge.IV:-That Sri E.S.R.Sarma frequently created a discomforting situation to women faculty.

Charge.V:-That Sri E.S.R.Sarma has been threatening his colleagues both in teaching and non teaching wings and the pupils also for having deposed against him during the enquiry by the Principal, District Institute of Education and Training, Dubacherla with dire consequences and challenged them to settle scores.

2. And whereas Sri E.S.R.Sarma, vide reference 2nd read above, has submitted his Written Statement of Defence denying the charges and requested to drop further action against him. As the Written Statement of defence submitted by the Charged Officer is not satisfactory, the Deputy Commissioner, Endowments Department, Kakinada got the matter enquired through regular Inquiry and appointed Sri B.V.V.Satyanarayana, Executive Officer, Sri T.K.M.V.Bhavan, Tanuku as the Inquiry Officer, vide reference 3rd read above. The Inquiry Officer has submitted the Inquiry Report vide reference 4th read above, holding all charges framed against him as proved. The Executive Officer cum Correspondent, Sri Gandhi Andhra Jateeya Maha Vidyalayam, Agraharam, Eluru after examining the Inquiry Report has imposed the punishment of stoppage of two annual grade increments with cumulative effect, vide reference 6th read above.

3. And whereas in the references 7th and 8th read above, the Commissioner, School Education, has reported that by the time the above punishment was imposed, the Charged Officer had retired from service on 30-06-2009 and that the punishments specified in the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 is not applicable in the case of retired Government Servants and the punishment imposed against him, vide reference 6th read above, is against to rules. The case of the Charged Officer shall be dealt under Andhra Pradesh Revised Pension Rules, 1980 and requested to take action accordingly against the Charged Officer.

4. Whereas the Government have re-examined the case of the Charged Officer with material available on record and observed that the punishment imposed against him by the appointing authority cannot be implemented, as he had already retired from service and the Government is the Competent Authority to take action against the retired Government Employees under Andhra Pradesh Revised Pension Rules, 1980. Accordingly, Government have quashed the punishment imposed by the Executive Officer cum Correspondent, vide reference 6th read above and provisionally decided to impose a punishment of 10% cut in pension permanently against Sri E.S.R.Sarma, under rule 9 of Andhra Pradesh Revised Pension Rules, 1980. Accordingly a Show Cause Notice has been issued to Sri E.S.R.Sarma, vide reference 9th read above to submit his representation.

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5. And whereas the Sri E.S.R.Sarma has submitted representation vide reference 10th read above stating that the punishment proposed is very high and does not commensurate with the misconduct alleged to have been committed by him, hence, requested to exonerate him from the proposed punishment or to reduce the quantum of punishment sympathetically.

6. The representation of the Charged Officer has been examined and the Government taking a lenient view towards the retired person at this fag end of life on humanitarian grounds, have decided to impose a penalty of 5% cut in pension for a period of seven (7) years against him, under rule 9 of Andhra Pradesh Revised Pension Rules, 1980 as the charges farmed against him are held proved. The Andhra Pradesh Public Service Commission (APPSC) has concurred with the proposal of the Government, vide reference 12th read above.

7. Accordingly, the Government imposed the punishment of 5% (five percent) cut in pension for a period of seven (7) years against Sri E.S.R.Sarma, under rule 9 of Andhra Pradesh Revised Pension Rules, 1980, vide reference 13th read above.

8. Aggrieved by the above punishment, Sri E.S.R.Sarma, has filed Review Petition, vide reference 14th read above. In his Review Petition among other things has contended that the allegations made against him are baseless and the charges are framed against him with malefide intention and placed him under suspension only to deprive him the promotion as Head master and requested to exonerate him from the punishment and also to treat the suspension period as duty.

9. And whereas the Government have re-examined the matter keeping in view the grievances raised by Sri E.S.R. Sarma, in his review petition on humanitarian grounds and decided to modify the punishment of 5% cut in pension for seven years imposed against Sri E.S.R. Sarma to that of 5% cut in pension for a period of three (3) years. Accordingly, necessary proposals have been sent to the Andhra Pradesh Public Service Commission, vide reference 15th read above for concurrence. The Andhra Pradesh Public Service Commission has concurred with the proposal of the Government, vide reference 16th read above.

10. The Government hereby order to modify the punishment of 5% (five percent) cut in pension for a period of seven (7) years imposed against Sri E.S.R.Sarma, former B.Ed Assistant, Sri Gandhi Andhra Jateeya Maha Vidyalayam, Agraharam, Eluru (now Retired) under rule 9 of Andhra Pradesh Revised Pension Rules, 1980 to that of 5% cut in pension for a period of three years.

11. The Commissioner, Endowments shall take necessary further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri E.S.R.Sarma, former B.Ed Assistant in Sri Gandhi Andhra Jateeya Maha Vidyalayam, Agraharam, Eluru (now Retired).
through the Commissioner, Endowments Department, Andhra Pradesh, Vijayawada.
The Commissioner, Endowments, Andhra Pradesh, Vijayawada.

(P.T.O)

(with a request to serve the order on the individual and send the served copy with dated signature to Government)

Copy to:

The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.
The Accountant General, Andhra Pradesh, Hyderabad.
The Director, Treasuries & Accounts, Andhra Pradesh, Vijayawda.
The Commissioner & Director, School Education, Andhra Pradesh, Vijayawada.
The Deputy Commissioner, Endowments Department, Krishna District
The Revenue (Endowments.I) Department.
SF / SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER